

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE UNIFORM APPLICATION OF CROWN)	
COMMUNICATION INC. AND)	
WESTEL-MILWAUKEE COMPANY, LLC, D/B/A)	
CINGULAR WIRELESS OWENSBORO)	
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY TO CONSTRUCT))	
A WIRELESS COMMUNICATIONS FACILITY AT)	CASE NO. 2002-00026
604 SCOGGINS ROAD, BOWLING GREEN,)	
KENTUCKY 42104 IN THE WIRELESS)	
COMMUNICATIONS LICENSE AREA IN)	
THE COMMONWEALTH OF KENTUCKY)	
IN THE COUNTY OF WARREN)	
SITE NAME: RICHARDSVILLE)	

O R D E R

On June 25, 2002, Crown Communication Inc. and Westel-Milwaukee Company, LLC, d/b/a Cingular Wireless Owensboro (Joint Applicants) were granted a Certificate of Public Convenience and Necessity (CPCN) to construct and to operate a personal communications services facility at 604 Scoggins Road, Bowling Green, Warren County, Kentucky. Bonnie Stanley, Mr. and Mrs. Ralph Petty, and Kelly M. Smith were granted full intervention in this proceeding.

KRS 278.020(1) requires the CPCN to be exercised within 1 year from the date of the granting thereof, exclusive of any delay due to the order of any court or failure to obtain any necessary grant or consent. On June 19, 2003, Joint Applicants filed a motion requesting the Commission to extend the time in which the Joint Applicants may

exercise the authority granted under the CPCN. Joint Applicants state that they have been delayed in commencing construction due to a lack of subdivision approval pursuant to the requirements of the Warren County Subdivision Administrator. Joint Applicants further state that their subdivision plat is being revised in accordance with the request of the Warren County Subdivision Administrator as a condition for final approval. Joint Applicants request an extension of up to 5 months from June 25, 2003 in which to begin construction.

The Commission finds that, as a matter of law, the delay in obtaining subdivision plat approval tolls the time within which the 1-year requirement is calculated for the exercise of the CPCN. KRS 278.020(1).

IT IS THEREFORE ORDERED that:

1. The motion of the Joint Applicants is granted.
2. Pursuant to KRS 100.324, a copy of this Order is being sent to the Warren County Planning Commission.

Done at Frankfort, Kentucky, this 16th day of July, 2003.

By the Commission

ATTEST:


Executive Director